

COUNCIL VOTES TO PURCHASE DOCK

Property, Including Water Rights, to Be Bought for \$90,000.

ORDINANCE TO LOWER GAS RATE

Reduction in Price From 90 Cents to 80 Cents Now Before Body. Plan Put Forward for Erection of New Free Bridge. Many New Matters.

Acquisition of the Richmond Dock, with its water rights east of Seventeenth Street, at the agreed price of \$90,000, was approved by the Common Council last night by a vote of 21 to 2. A large amount of other details of business was transacted, among them the application of the Virginia Railway and Power Company for a central steam-heating franchise, a proposition looking to a new free bridge, reduction of the price of gas from 90 to 80 cents, and the creation of a city employees' retirement fund.

The question of acquiring the dock came up on report of the Committee on Finance, and provoked extended debate. The resolution reported directs the City Attorney to acquire title to all of the property east of the western line of Seventeenth Street, with its water rights, and to pay \$90,000 for same. The Committee on Finance being authorized to borrow that amount for the purpose. Chairman Pollard explained that from the hearings before the committee it was evidently the desire of many citizens that the property be acquired; that the attention of the country was turning to water-power commerce as a leverage against excessive rates of light, heat, and that it was not proper to let the dock, but a public dock which would be self-sustaining when once put in order. If closed and turned into real estate, he said, the property would be sold many times the amount at which it is offered for sale.

Mr. Richards, who explained that he was not opposed to acquiring the dock, thought that the whole property should be acquired up to Fourteenth Street, the better to protect the water, saying he was informed that the whole property could be bought for \$110,000. He said that the rights transferred to the Trigg Company by the Chesapeake and Ohio Railway Company. Several speakers thought the city should await the termination of a pending litigation between the Trigg company and the owners of Belle Isle and Mr. Richards protesting that he wanted the city to buy a dock—not a lawsuit. His motion to table, with a view to further inquiry into the legal obstacles, was rejected, and on the final roll call Mr. Richards and Mr. Bowman were the only members voting no.

More Salary Increases.
On recommendation of the Committee on Finance, the pay of forty-three men employed at the Lower Gas Works has been increased 5 per cent, in accordance with other increases recently ordered.

A resolution authorizing a contract with the Mayo Land and Bridge Company in reference to grades on Mayo's Island was approved.

The ordinance referring to the electric plant, referred by the Water Committee as a substitute, was referred to the Committee on Finance, and the resolution of the Electricity Committee asking that the Water Committee be discharged from further consideration was tabled, on request of Chairman Lynch.

The Council concurred in the action of the Board of Aldermen in closing an alley bounded by Leonard, West, Sheppard and Kensington Streets, confirming a new subdivision, and in a resolution canceling a bill against Alvin Brothers for the use of grain supplied to the Grounds and Parks Department, ordering the bill cancelled, the matter having been adjusted in court.

A new subdivision of the tract bounded by the Boulevard, Roberson, Alvey and Cary Streets, rearranging lots so as to make all lots front on the Boulevard was approved on recommendation of the Committee on Streets as was an ordinance granting permission to the Richmond, Fredericksburg and Potomac Railroad, to construct an arch bridge over Leigh Street near Spotswood Avenue into a new coal yard.

New Tobacco Factory.
Making way for the erection of a great new tobacco factory for the British-American Company, to which the city has assigned the options recently secured by the R. A. Patterson Tobacco Company, an ordinance closing Leigh Street between Lombardy Street and Moselle Street and closing Moselle Street for a distance of one foot south of Leigh Street was adopted, thus giving the new plant a space equivalent to three blocks, beside the main line of the Richmond, Fredericksburg and Potomac Railroad.

The following contracts for supplies were approved: C. P. Lathrop Co. for cement, at \$1.85 per barrel; Warner Moore & Co. terra cotta pipe, at 70 per cent from the list price; A. W. Maynard, for sewer in Leonard Street, \$9,000; J. I. Smith & Co. Inc., for sewer work on streets, estimated at \$25,000.

Resolutions reported by the Committee on Light were approved donating 250,000 cubic feet of gas to the Mechanics' Institute annually, and 250,000 cubic feet of gas annually to the Shiloh-Arms Free Hospital. On recommendation of the Committee on Grounds and Buildings, a lot at the southwest corner of Eleventh and Leigh Streets was ordered, and

GOVERNOR URGED NOT TO SIGN BILL

Lawyers Contend That Rolling Stock Measure Is Unconstitutional.

RICHMOND'S TAX CUT 75 PER CENT.

Unless Governor Acts by To-Morrow Midnight Bill Will Become Law Without His Signature—Byrd Not Prepared to Combat Point Raised at Hearing.

Richmond Stands to Lose \$100,000

Under the new rolling stock law, the tax, amounting to \$150,000, annually received by the city of Richmond heretofore, will be reduced to \$30,000. The loss to the city of Richmond will amount to \$120,000 a year, while Norfolk will lose about \$75,000 a year. This loss, of course, will be most seriously felt in Roanoke, which accounts for the opposition to the measure from that city. Richmond also opposed the bill, the address of Assistant City Attorney George Wayne Anderson before the legislative committee being one of the ablest arguments heard throughout the session.

What seems to be an insurmountable constitutional objection to the enforcement of the new rolling stock law was raised yesterday by a group of attorneys at a public hearing on the measure before Governor Mann. The bill passed both houses by safe majorities, and was sent to the Governor last Thursday for his signature. Under the Constitution he is required to sign or veto the bill within five days after receiving it, which, according to different interpretations of the law at the conclusion of yesterday's hearing, would demand a decision from him today or to-morrow.

Unless Governor Mann vetoes the bill by midnight to-morrow it will become law whether he signs it or not, the Constitution providing that if any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it.

Says It Violates Constitution.
The fatal defect of the bill as drawn, according to attorneys who appeared before the Governor, lies in the provision directing the State Corporation Commission to levy a tax upon the rolling stock of the several railroads in the State, based on the rate of taxation imposed on the property of natural persons for local purposes at the county, city or town in which the principal office of any such railroad corporation is located. In other words, it is claimed, the bill empowers the Corporation Commission to levy a tax for local purposes upon identical rolling stock of property at as many different rates as there are home offices in Virginia.

Diametrically opposed to such a plan, and forever barring its enforcement, in the opinion of a number of lawyers, stands section 185 of the Constitution, which prohibits the levying of taxes within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Says It Cannot Be Enforced.
"Not only is it clearly unconstitutional," said Attorney George M. Mason, of Petersburg, "but it cannot be enforced because no provision is made in the bill for any machinery of collection. The enactment of any law is futile without specifically designated persons to enforce it. It is enforced, in this case, by the State Corporation Commission, which is the loosest possible. The rolling stock of the various railroad corporations doing business in this State, it provides, shall be assessed by the Corporation Commission for the various counties, cities and towns, at the rate which obtains in the cities in which are located the home offices of such roads."

Mr. Mason called attention to the anomaly of the State, through its instrument, the Corporation Commission, imposing a tax on the rolling stock of railroads at a different rate of taxation. Thus, on the rolling stock of the Norfolk and Western, said Mr. Mason, the State would collect the tax rate in force at Roanoke; on the property of the Southern and Chesapeake and Ohio it would levy in accordance with the tax rate of Richmond, while on the rolling stock of the Seaboard Air Line the rate collected would be that of Petersburg. In the same manner, he continued, the State would, under the bill, levy upon the other railroads on the basis of the rate in force in the cities wherein are located their home offices.

Arbitrary Apportionment.
Another objection raised by Mr. Mason, was what he designated the arbitrary nature of apportionment set forth in the bill. Aside from violating the constitutional provision that the tax rate shall be uniform on the same class of subjects, he said, the bill proposed to distribute the tax thus collected, not on the basis of the local tax rates obtaining in the several counties, but on the basis of the assessed value of roadbed within their separate borders.

City Attorney Hamilton Graves, of Roanoke, admitted the right of the General Assembly to distribute the rolling stock tax in any proportion it chose, but denied its right to violate the Constitution in so doing. Without attempting to question the principle of a division of the tax, he charged the bill with being unconstitutional.

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FEW OLD MEMBERS ARE LEFT ON BOARD

Fifteen New Names in Directorate of American Tobacco Co.

MEETING WILL BE HELD TO-MORROW

Plan of Distribution of Excess Profits Will Be Decided On. Richmond to Have New Plant of Patterson Company, and Another Cigarette Factory.

(Special to The Times-Dispatch.)
New York, March 11.—The annual meeting of the American Tobacco Company will be held on Wednesday in Jersey City. In addition to the subscription of the annual report to stockholders five new directors will be chosen to take the places of Paul Brown, Thomas F. Ryan, P. A. B. Widener, B. G. Widener, O. H. Payne, T. J. Mahoney, Charles E. King, and J. J. Patterson, who constituted the board a year ago. There are twenty-eight members of the American Tobacco directorate. Seven of the old directors of the American Tobacco Company, however, are with affiliated companies having seats on the boards of the Liggett and Myers and P. Lorillard Companies. These include C. C. Dula, R. B. Dula, R. D. Lewis and W. R. Kirby, who are now with the Liggett and Myers Company, and T. J. Mahoney, Charles E. King, and R. K. Smith with the P. Lorillard Company. The other vacancies have been caused by the resignations of James B. Duke, W. R. Harris, and R. A. Patterson, a change of fifteen.

The report of the American Tobacco Company for the fiscal year, which corresponds with the calendar year, will include the earnings of the old American Tobacco Company for the eleven months, December earnings, however, certain of the subsidiaries concerns became operative during that month. This means that the earnings report will include for December only 13 brands and business ratios of any American Tobacco Company as shown of many of its subsidiaries.

Distribution of Profits.
There is one matter to be considered by the stockholders at the annual meeting of interest to the entire tobacco world. This concerns the distribution of excess profits over the previous year among certain of the officers, as outlined in the notice to shareholders. This plan, it is expected, will be similar in many ways to that adopted by the American Shuff Company, except that more will share in the distribution.

In the case of the American Shuff Company, the president and three vice-presidents will share equally in the 10 per cent. excess of profits as compared with the preceding twelve months. The provision does not go into effect until January 1, and naturally will be for only one year, retained by the American Shuff Company after the disintegration.

In the case of the American Tobacco Company there will be more to share in the distribution. There are five vice-presidents, and the head of certain departments—plus, etc. While nothing definite can be learned as to the proposition, it is said that the plan will call for the distribution of 21-2 per cent. to the president of the corporation, and 1-2 per cent. to each of the five vice-presidents.

This, it is thought, would be a fair distribution, the added duties of the chief executive of the big corporation entitling him to a larger share than those directly below him.

To Enlarge Patterson Plant.
M. C. Patterson, president of the company and vice-president of the American Tobacco Company, says there is nothing in reports that the R. A. Patterson Tobacco Company will be transferred to Louisville, following the change of a portion of the business of the company to that city. The business will remain in Richmond. He did state, however, that the reason for the partial transfer was that a new plant would be erected in Richmond to take care of the increasing business. The Patterson Company manufactured about 12,000,000 pounds of smoking and plug tobacco last year. Two Richmond factories produced a combined capacity of approximately 900,000 pounds, which means that all in excess of that amount will be for the near future made up in Louisville.

Reorganization of the American Tobacco Company means the transfer of the Allen & Ginter branch in Richmond to the Liggett & Myers Tobacco Company. Thus the American Tobacco Company was left without a cigarette factory in Richmond to compete with the Liggett & Myers Company. Mr. Patterson says that a cigarette factory to offer competition undoubtedly will be erected, but he does not know just when.

Stockholders of the P. Lorillard Company and the Liggett & Myers Company will also consider the matter of sharing assets at their annual meeting within the next week.

Effective competition, it is estimated, will be effected by the plan, and officers of the American Tobacco Company and affiliated concerns state this is the only reason for the plan.

PRIMARY BILL PASSES

May Be Laid Before Governor for Approval This Week.

Boston, Mass., March 11.—President Taft's preferential primaries on April 20 to select all delegates to the coming national presidential convention are practically assured by the passage of a primary bill in the Senate today, in concurrence with the House. Unless some unexpected change of sentiment develops it is expected that the bill will be laid before Governor Foss for approval this week.

BASEBALL TRUST MOST AUDACIOUS

Gallagher Wants Spotlight Turned on National Game.

ASKS CONGRESS TO INVESTIGATE

He Thinks Federal Laws Are Being Violated and Men Sold Into Slavery—Magnates at Loss to Know Whether He's in Earnest or Only Joking.

Washington, March 11.—A congressional investigation of the "baseball trust," the most audacious and autocratic trust in the country, was proposed in a resolution introduced by Representative Gallagher, of Illinois, today. The measure would create a special committee of seven Representatives to inquire of the Department of Justice "what steps have been taken against the baseball trust, against other illegal combinations, and would authorize it to subpoena witnesses and employ assistants. It accuses the "baseball trust" of presuming "to control the baseball game, its officials announcing daily through the press the dictates of a governing committee, how competition is stifled and games apportioned, prices fixed which millions must pay to witness the sport, how men are enslaved and forced to accept salaries and terms or be forever barred from playing."

Mr. Gallagher said the Department of Justice knew that there was such a trust under the law, and that he would confer with the department in a day or two.

Welcomes Investigation.
Chicago, March 11.—When informed of the Gallagher resolution, President B. B. Johnson, of the American League, said: "We would be glad to have an investigation. There is no baseball trust, and competition is not stifled. Any one who desires is welcome to get in the game."

"So far as men being enslaved is concerned, a large number of the players are drawing salaries in excess of what is paid to the average citizen," said Thomas J. Lynch, president of the league, when told that Representative Gallagher had introduced a resolution for an investigation of the league. He added: "There is absolutely nothing like enslavement in our league. We do not in any manner stifle or attempt to stifle competition. I endorse everything that Dan B. Johnson, president of the American League, says, and especially his words concerning the 'enslaved' players."

"Let the investigation of the National League proceed. We have nothing to fear."

Thinks It a Joke.
Cincinnati, March 11.—Congressman Gallagher's resolution for an investigation of the so-called baseball trust was characterized as a joke today by August Herrmann, president of the National Baseball Commission. "I know what he means," said Herrmann, "there is no trust. There is no baseball trust and from the nature of the game, there never can be. The commission does not fix prices. Different prices are charged in different cities. There can be an investigation, but without any objection from the National Commission."

A JEFFERSON MEMORIAL

Flood Proposes Roadway and Arch at Monticello.

Washington, March 11.—A \$100,000 roadway and arch for the home of Thomas Jefferson is proposed in a bill introduced in the House today by Representative Flood, of Virginia. The bill provides for a roadway to be built from Main Street, Charlottesville, Va., to Monticello. At the gate of Monticello he would have erected a statue to cost \$50,000. Monticello is owned by Representative Jefferson Levy, of New York.

PURCHASE BIRTHPLACE OF JEFFERSON DAVIS

Action of Kentucky Legislature Makes Possible Memorial to President of Confederacy.

Fennick, Ky., March 11.—With the passage in the House today of the Senate bill appropriating \$75,000 for the purchase of Jefferson Davis's birthplace, near Elkton, Ky., the memorial to the President of the Confederacy, for which the United States Government has been working, was made possible. The bill is now ready for the Governor's approval.

The houseman is to be made into a State park, and a monument will be erected in it. Plans for a Jefferson Davis farm are already projected in Western Kentucky counties are considering the construction of a State highway extending from the Lincoln Road at Bowling Green southwest through the State to the Mississippi River, intersecting the Jefferson Davis Way.

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OWNER OF PATENT MAY CLAIM EARTH

No Limit Can Be Placed Under Supreme Court Decision.

CHIEF JUSTICE VOICES DISSENT

Criticizes Colleagues for Opinion of Which No One Can Foretell Outcome—Gives Patentee Monopoly of All Articles Used in Operation of Invention.

Washington, March 11.—The Supreme Court today held that the monopoly upon all articles used in its operation, may fix its price and prescribe its use, and thereby laid down a broad principle of doubtful application to many of the government's important trusts pending which involve questions of patent rights.

The court stood 5 to 3. Chief Justice White, with whom dissented Justices Lamar and Hughes, in a spirited opinion, voiced his dread of the results of the court's work, asking, "could foretell the extent of monopoly and wrongful restrictions which would arise. As construed by the majority of the court, the Chief Justice declared the patent law could reach out to include within a patent every conceivable thing used in every American household."

Says Congress Should Act.
The Chief Justice declared that Congress should act to head off "unfettered" which would follow the court's construction of the law, and arraigned the majority as having broken all precedents. The court, in its history, he said, had never failed to stand up to the whole people and to stand as the protector of every household.

Justice Lurton, who delivered the majority opinion, was joined by Justices McKenna, Holmes and an Dissenters.

Officials of the Department of Justice were not inclined to discuss the court's decision or its application to antitrust suits. Attorney-General Wickersham and Solicitor-General McKenna, however, declined to comment. Mr. Wickersham said that the court's decision was an epoch-making one, and that he would make a statement and Attorney-General Wickersham was unwilling.

During the last two years, the Department of Justice, in its prosecution under the Sherman law, has encountered more and more the question of the rights of patentees. Some officials of the department have predicted that the antitrust suits of the future would be fought along those lines. That question was involved in the case against the electrical trust, now settled in favor of the government, and some officials think the same question might be introduced in any antitrust suit against any "industrial combination."

Because of the sweeping importance of the decision to the enforcement of the Sherman law, it is not improbable that a rehearing may be asked for to bring the question before a full bench of Justices. Justice Day did not participate, and the vacancy caused by the death of Justice Harlan has not been filled, though Chancellor Pitney, of New Jersey, has been nominated, but not confirmed by the Senate.

Suits May Be Affected.
Permeating among the pending antitrust suits which may now be affected are those against the United Shoe Machinery Company, the Keystone Watch Company and the so-called Coaster-Brake Trust. A score or more of investigations now under way by the Department of Justice, in which corporations are claiming the rights of patentees to certain monopolies and restrictions, are vitally affected.

Department of Justice officials believe the decision may throw out one feature of the case against the Keystone Watch Company, relating to resale prices. In the shoe machinery company case, in which questions of patent rights are involved, although it admitted the company may strengthen some portions of its defense by the decision, the Department of Justice regards those suits as considerably broader than the usual antitrust suits involving patents, because of the government's allegations of combination.

The case actually before the court concerned the right of the patentee of a rotary mangle to bind the purchaser of each machine to use upon it only ink which he manufactured. The question arose as to whether the license restriction was governed by contract law over which the State courts have jurisdiction, or whether it was controlled by the patent law, and thus within the jurisdiction of the Federal courts. The New York Federal court asked for instructions.

Several times the question has arisen in the Federal Circuit Courts. Most of them have followed a leading decision announced by Justice Lurton, then a circuit judge, and known as the "button-fastener case." In that decision Judge Lurton held it was governed by patent law and consequently valid. To-day he approved that decision.

One of the express reasons given by Chief Justice White for his dissent was to make it clear that if evils arise from the decision "their continuation will not be caused by the interpretation given to the statute, but will result from the inaction of the legislative department in failing to amend the statute so as to avoid such evils. The amendment would be some restriction on the use of a patent."

Court Is Criticized.
Chief Justice White next contended that the "license restriction" was a collateral contract relation and criticized the court for "unwarrantedly extending" the Federal judicial power over it.

"The ruling now made," said Mr. White, "is that the patentee has the right to fix the price of the article."

DEEPLY REGRETS FOOLISH RUMOR

Amundsen Knows Nothing of English Rival's Movements.

MORE DETAILS OF POLAR TRIP

Discoverer of South Pole Gives Unstinted Praise to Men Who Accompanied Him, While They Are Equally Ardent in Lauding Leader of Successful Expedition.

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[Special to The Times-Dispatch.]
Hobart, March 11.—I was privileged today to go on board the Fram and New York Times was given a long interview for the New York Times, who furnished further details of his great dash to the South Pole. He said:

"My four companions on the journey were Helmer Hansen, Oscar Wisting, Egeer Hassel and Olaf Bjaaland. All worked well together. I could not have done better, more loyal or more determined. For food, we relied entirely on pemmican biscuits, chocolate, powdered milk, and, of course, dog meat. The dogs were fed on pemmican."

"In my opinion, we had the best and most satisfactory provisions possible. In fact, from the beginning to the end of the journey, we never felt an undue craving for something to eat or any feeling of not having had sufficient nourishment."

"Alcohol of every kind was absolutely barred on the journey. While staying in the winter quarters we drank beer and stout, but when on the march, when sleighing we considered it advisable to carry no spirits. Nor did we take any surgical appliances with the expedition, only a few bandages. We trusted to accidents not occurring."

Took Pictures of Pole.
"Of course, I had a camera. I and myself were inseparable. In addition to taking various pictures on the way I obtained photographs of the pole. All the films were used and the camera worked well. I did not expect, and was glad to see, that the photographer, but the films have been put into most trustworthy hands to be developed, and I hope will turn out satisfactory."

"We lost two dogs in crevasses, owing to the harness breaking. After that we were left with only one dog, and we suffered no more losses of that kind."

"The dogs proved very suitable for the work, their weight being so little they were able to cross snow bridges which would have certainly broken down under a heavier animal. The dogs broke through, but the others were able to hold them up, the harness, after the first incident, when we lost the two dogs, invariably holding good. I think that touched us most keenly on the whole journey, as the dogs were killed by the dogs which had shared our dangers and done such splendid work. The killing of them went to the heart of every one."

"We left our winter camp at the Bay of Whales ready for occupation for any surplus which the depot at 80 degrees, and a considerable quantity of dog flesh at 82 degrees. No danger to these provisions need be apprehended. I think, from the three missing dogs. I hope visitors will soon make use of the depot. I have never done so, it is heartily welcome to everything there."

Japanese on Barrier.
"There is a likelihood, I fancy, of the Japanese visiting the camp, for when the Fram left for Hobart, some Japanese were camped in a tent on the barrier, their vessel having departed. I did not see them, but they had told Captain Nielsen, the captain of the Fram that they intended staying only a few days to see what was the condition of things there."

"In my opinion it will not be long before the winter camp which I left will be made the base of another expedition undertaking geographical exploration of a more detailed character, particularly in regard to King Edward VII. Land, and its connection with Victoria Land, the nature of the Ross Barrier and the configuration of the mountains which stretch away apparently across the continent."

"I have already said that I do not expect to return to Europe for a long time, as I have work which I must do now in the Arctic."

"I may say that I received authority from the Commonwealth government to land in quarantine at Hobart twenty-one dogs which I am presenting to Mr. Dawson's expedition. Owing to the necessity of my carrying a message from Adelaide Land, some doubts have been entertained respecting the safety of Dr. Dawson's party and his vessel the Aurora, but I sincerely hope that there are no grounds for fear, and that the expedition is safely on its way to the Ross Barrier."

"I ought to add, too, that I deeply regret the foolish rumor which some one spread from Wellington giving rise to unfounded hopes that I knew something of Captain Scott."

"According to reports called here from London, that Sir Ernest Shackleton says the plateau at the pole which I named after King Haakon is really the same as the one I named after King Edward VII. I think Sir Ernest is under a misapprehension, for when he reached his furthest point south he was ascending. We reached our greatest height, 19,750 feet, in nearly the same latitude as Sir Ernest Shackleton's furthest point and we then descended and at the pole itself we were on a vast, open plain."

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BRADY FACTION APPARENTLY WINS

Pledges Votes for Taft and Will Be Seated in Convention.

GAINS ADVANTAGE BY SHREWD MOVE

Entered Fight to Help Slep and Martin—Flegenheimer Reprimanded by Negro—Roosevelt Leader Says Deck Is Stacked Against Colonel. Sixth District for Taft.

(Special From a Staff Correspondent of The Times-Dispatch.)

Roanoke, Va., March 11.—By pledging themselves to-night as being unqualifiedly for President Taft, Joseph P. Brady and W. R. Vawter, delegates from their faction in the Third District to the Chicago convention, practically assured seats to the Brady-Hanson-Flegenheimer adherents in the Republican State Convention to-morrow. Starting with the long-standing sympathy of Congressman Slep and Alvin H. Martin, they further clinched their case by stressing the fact that their Richmond mass-meeting indorsed Slep and Martin. In fact, they go so far as to say they entered the fight for the purpose of helping the State chairman and national committeeman. This shrewd flank attack has done the work. Having won this decided advantage, at the demand of the State party leaders who insisted upon a positive declaration for Taft, Melvin Flegenheimer came near throwing it away. He made a profound mistake to-night when, being invited to address the Sixth District convention, he attempted to argue his contest. He asserted that he headed a delegation of white men, and that the Allan-Moore-Cabell people were a black and tan aggregation.

As a result Mr. Flegenheimer was sharply reprimanded by L. L. Downing (a Roanoke negro, and a delegate to the Sixth District convention, who, with veiled sarcasm, referred to the narrowness of view exhibited by the Richmond man.

Members of the Brady-Hanson faction are to-night deeply deploring the occurrence, both because they feel the district convention was not the place to argue the Richmond contest, and because Mr. Flegenheimer put himself in a compromising position, of being taken to task by a negro.

Says Deck Is Stacked.
"The deck is stacked; there is no use in trying to play the hand," said Colonel J. S. Browning, the Roosevelt leader, to-night. "There is plenty of Roosevelt sentiment, even among the delegates, but they are instructed for Taft."

Colonel Browning is not a delegate and cannot take part in to-morrow's convention. He feels that Mr. Taft cannot win if nominated. Just returned from a visit to the Roosevelt headquarters in New York, he is impressed with the vigor which the former President is putting into his campaign. He still has some hope, but knows that the delegates at large from Virginia will be instructed for Taft.

Aside from the Richmond contest to-morrow's convention is likely to be without a fight worthy the name. And unless there is a change or a compromise that contest will be short-lived.

Mr. Brady and Mr. Vawter now say that they have always been for Taft, although uninstructed, and that they withheld endorsement of the President because of the contests instituted by the opposing faction. They now are making a last-minute appeal for votes to-morrow because of their adroit handling of their position regarding Slep and Martin.

Replying to-night to a direct question asked by The Times-Dispatch representative, Mr. Brady and Mr. Vawter said:

"We were induced to enter the contest in the Third Virginia District because of the fact that the Allan-Moore-Cabell faction in that district, contrary to the wishes of President Taft, had elected themselves against State chairman Slep and National Committeeman Martin. We went into this fight for the purpose of defeating the efforts of officeholders of the Third District in their purpose to discredit our State organization, and a victory would have many advantages to the State and the Nation."

"We are unqualifiedly for President Taft, and we are here with a purpose to stand with the instructed delegates from Virginia for the President as long as the delegation is for him."

"In other words, we will make common cause with the instructed delegates for Taft, and we are here with a purpose to stand with the instructed delegates from the Third District ready to instruct the four delegates-at-large to be elected by the State convention to-morrow for him. We are unqualifiedly for the re-election of C. Bascam Slep as State chairman and Alvin H. Martin as national committeeman, and it was the purpose of indorsing them that we entered the fight, and we are prepared to stand by them to the finish. The Allan-Moore-Cabell faction did not indorse them."

The identity of the fourth man who will go as delegate-at-large to Chicago for R. H. Angus, C. B. Slep and A. H. Martin has not yet been determined.

Instruct for Taft.
In convention here to-night the Republicans of the Sixth District instructed their two delegates to the national convention for Taft. S. H. Hoge, of Roanoke, and J. E. B. Smith, of Staunton, were elected delegates, while G. C. Ansley, of Bedford, and Lee S. Wolfe, of Halifax, are the alternates.

Mercer M. Hartman, of Roanoke, was chairman of the convention, and George L. Hart secretaries. R. H. Angus, of